

Message Text

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ACTION SCS-05

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E.O. 11652: N/A

TAGS: CPRS MX (DAWES, JIM F)

SUBJECT: CONFISCATION OF YACHT (JIM F DAWES)

REF: DEPT. OM JUNE 13,1977 SAME SUBJECT

SENATO PETE DOMENICI INTERESTED

1. PROBLEM OF SEIZURE OF MR. DAWES 32 FOOT SPORT FISHING BOAT BY MEXICAN CUSTOMS WAS FIRST BROUGHT TO ATTENTION OF THIS CONGEN BY MRS. GRACE OLIVAREZ, THEN WITH OFFICE OF GOVERNOR APODACA, SANTA FE, N.M. IN AUGUST 1976. FOLLOWING EXTENDED DISCUSSIONS WITH MEXICAN CUSTOMS AUTHORITIES AT GUAYMAS, SONORA, MEXICO WHERE BOAT IS HELD; AT MEXICALI, B.C. MEXICO WHERE IT FIRST ENTERED MEXICO IN NOVEMBER 1973; AND AT MEXICO CITY MR. DAWES WAS INFORMED OF THE CUSTOMS'RECOMMENDATIONS FOR PROCEDURE TO BE FOLLOWED IN OBTAINING RELEASE OF BOAT. APPARENTLY THIS WAS UNSUCCESSFUL BECAUSE IT WAS CONTINGENT ON DEMONSTRATION THAT TEMPORARY ENTRY OF BOAT INTO MEXICO WAS LEGALLY ACCOMPLISHED THROUGH ISSUANCE OF MEXICAN CUSTOMS DOCUMENT KNOWN AS TEMPORARY IMPORT PERMIT (T.I.P.) EVIDENCE OF ISSUANCE OF A T.I.P. IS ONLY CIRCUMSTANTIAL AND CONSIST OF STATEMENT BY DAWES THAT AMONG HIS EXPENSES IN BRINGING BOAT INTO MEXICO ON NOVEMBER

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16,1973 (A FRIDAY) WAS A PAYMENT IN CASH OF 175 DOLLARS TO MEXICAN CUSTOMS AT MEXICALI, B.C. FOR "OVERTIME" NECESSARY FOR COMPLETION OF THE IMPORT DOCUMENT THAT DAY".

2. NEITHER DAWES NOR THIS OFFICE HAVE BEEN ABLE TO LOCATE DOCUMENTARY EVIDENCE THAT MEXICAN CUSTOMS EVER ISSUED A T.I.P. TO COVER ENTRY OF THIS BOAT.

IT SHOULD BE NOTED THAT A T.I.P. IS NOT NORMALLY ISSUED TO A BOAT IMPORTED INTO MEXICO THROUGH MEXICALI WHEN DESTINATION IS GIVEN AS SAN FELIPE, WHICH IS WITHIN CUSTOMS-FREE ZONE. THIS WAS THE CASE WITH DAWES BOAT. HOWEVER, WHEN A BOAT ENTERED AT MEXICALI IS TO BE LAUNCHED AT SAN FELIPE FOR PURPOSE OF PROCEEDING TO NON CUSTOMS-FREE ZONES OF GULF OF CALIFORNIA, A T.I.P. SHOULD BE OBTAINED WHEN FIRST ENTERING MEXICO.

3. ADDITIONAL COMPLICATION ARISES IN THAT MANAGEMENT OF SAN CARLOS MARINA AND YACHT CLUB, ALLEGEDLY RESPONSIBLE FOR INSURING THAT YACHTS OF ITS MEMBERS ARE IN COMPLIANCE WITH MEXICAN LAW AND CUSTOMS REGULATIONS, HAS CHANGED SEVERAL TIMES SINCE NOVEMBER 1973. IF THEY LOST DAWES BOAT PAPERS, IT NOW APPEARS IMPOSSIBLE TO ESTABLISH EXACTLY WHAT PAPERS THEY LOST. FURTHERMORE, HAD A T.I.P. BEEN ISSUED AT MEXICALI (AND LOST AT SAN CARLOS) A COPY THEREOF SHOULD HAVE BEEN ON FILE AT MEXICALI. NONE HAS BEEN FOUND, DESPITE CONSIDERABLE EFFORT.

4. MEXICAN CUSTOMS AT MEXICO CITY (LIC. M.A. PEREZ FRIAS) HAVE INFORMED CONGEN DAWES BOAT COULD BE RELEASED ON PAYMENT OF TWELVE THOUSAND PESO FINE (FOR FAILURE TO COMPLY WITH REQUIREMENTS FOR MAINTAINING BOATS DOCUMENTS IN ORDER) AND PRESENTATION OF T.I.P. THIS LAST REQUIREMENT CANNOT BE SATISFIED. ONLY ALTERNATIVE APPEARS TO BE PETITION UNCLASSIFIED

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THE UNDERSECRETARY OF TREASURY IN CHARGE OF CUSTOMS LIC. OSCAR REYES RETANA, SUBSECRETARIO DE INSPECCION FISCAL, 20 NOVEMBER 195 AT MEXICO CITY, SUBMITTING ALL AVAILABLE SUPPORTING EVIDENCE TO DEMONSTRATE 1) THAT THERE WAS NO INTENT OR ATTEMPT TO VIOLATE OR EVADE MEXICAN LAWS OR CUSTOMS REGULATIONS; 2) THAT DURING ITS RETENTION AT SAN CARLOS MARINA AND YACHT CLUB BOAT WAS ENGAGED IN ACTIVITIES AUTHORIZED FOREIGN TOURISTS BY MEXICAN LAW; 3) THAT INABILITY TO SUBMIT THE ALL-IMPORT T.I.P. IS DUE TO UNFORTUNATE ERRORS ON PART OF ONE OR MORE PARTIES AND IS NOT DUE TO ANY INTENT TO EVADE MEXICAN LAWS; 4) OFFER TO PROMPTLY PAY SUCH ADMINISTRATIVE PENALTIES AS MAY HAVE BEEN INCURRED; 5) OFFER TO PROMPTLY REMOVE BOAT FROM MEXICAN WATERS, IF SO REQUIRED

5. WHILE NOT A GUARANTEE THAT THE ABOVE STEPS, OR SOME OF THEM, WILL LEAD TO RELEASE OF BOAT, THEY MAY BE ONLY ALTERNATIVE LEFT TO MR. DAWES, AND WE RECOMMENDED HE TRY THIS APPROACH. WELCH

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